THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.21116 and 21136 of 2006

Dated:13-10-2006

Between:

K. Appanna and another.

.....
PETITIONERS

AND

The District Collector, Visakhapatnam.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos.21116 and 21136 of 2006

COMMON ORDER:

The petitioners in both the writ petitions are ex-servicemen. In 1982 they were assigned agricultural land admeasuring Acs.5.00 each in survey Nos.354/2 (W.P.No.21116 of 2006) and survey No.354/1 (W.P.No.21136 of 2006) situated at Madhurawada Village, Visakhapatnam Rural Mandal. They have been in continuous possession of the land and cultivating the same. They wanted to sell away the land and when they approached the Registering Officer, they were asked to get No Objection Certificate (NOC) from the District Collector. Therefore, they filed applications before the District Collector seeking NOC in terms of G.O.Ms.No.1117 dated 11-11-1993, which are not being disposed of. Therefore, they filed instant writ petitions seeking limited relief of direction to the District Collector to consider and dispose of their applications.

The learned counsel for the petitioners has placed before this Court a copy of G.O.Ms.No.1117 dated 11-11-1993. In the said Government order, considering the letter of the District Collector, Visakhapatnam, dated 24-08-1993, seeking certain clarification regarding inalienability during first decade after assignment, the Government modified the earlier orders issued in G.O.Ms.No.743 dated 30-04-1963 and directed that

ex-servicemen (assignees) are free to sell away their assigned land after a period of ten years from the date of assignment. Therefore, the District Collector may consider the applications made by the petitioners and pass appropriate orders in accordance with G.O.Ms.No.1117 dated 11-11-1993 within a period of three weeks from the date of receipt of a copy of this order.

The writ petitions, with the above observations and directions, are accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

13th October, 2006

Note: Issue CC by 16-10-2006

B/o

ghn